1946 K **File No.** Nurses II | 46

Legal Dept

B **BRANCH**

Std 14/8

Subject:— Rules and Notifications under the Bombay Nurses, Midwives and Health Visitors Registration Act 1935

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Gen. 194 a

144 — B

Office of the R.L.A.

Paragraph 2 on page 131.- Reading section 25(1) of the Bombay Nurses, Midwives and Health Visitors Registration Act, 1935, together with by-law 26(2) of the by-laws made under section 23 of the said Act, it is clear that before a training institution is recognised, it has to be inspected by two or more members of the Inspection Committee appointed under by-law 19 of the said by-laws. The Inspection Committee consists of members of the Council. If, therefore, the Director General, Indian Medical Service or his representative as the case may be, is not a member of the Council, and is therefore not a member of the Inspection Committee, he would not be competent to inspect the institutions. Moreover, by-law 26(2) requires inspection by two or more members of the Inspection Committee.

Although by-law 26(2) inter alia provides that the Council may as a special case recognise any institution though not fulfilling all the conditions laid down there is nothing in this or any other by-law permitting inspection to be waived. The inspection is for the purpose of ascertaining whether the conditions are or are not fulfilled. Consequently, the provision regarding inspection cannot be dispensed with. The view expressed at 'A' on p. 131 ante is not correct.

If it is intended that inspection of military hospital traning A.N.S. nurses by the Director General, Indian Medical Service or his representative should suffice, an amendment of the by-laws would be necessary. The view expressed at 'B' on page 131 in this behalf appears to be correct.

2. Paragraph 3 on pp. 131 and 132 ante.- If the by-laws are suitably amended and the military hospitals in view are recognised by the Council, no amendment of rule 6 of the "(1) General Rules" in Schedule IV appended to the Bombay Nurses, Midwives and Health Visitors' Registration Rules, 1935, is necessary.

Section 15(1) of the Act provides inter alia that institutions which are approved and recognised by the Council shall be competent to train nurses etc. and to send them for examination for the qualifying certificates of the Council. It will thus be seen that approved and recognised institutions alone are competent to send nurses etc. for examination. The proposed proviso to rule 6 of (1) General Rules in Schedule IV of the said rules which seeks to empower the Council to permit a nurse from a hospital not approved as a training institution to appear for the examination is, therefore, inconsistent with the provisions of section 15(1), and consequently ultra vires.

3. Since the only object is to permit approval and recognition of a hospital on inspection by the D.G., I.M.S., or his representatives, an amendment of the by-laws is all that is necessary.

sd/-

Remembrancer of Legal Affairs.

U.R. to G.D., No. 4459 dated the 29th June 1946.

N.V.D.
13/7
4c.

NOTIFICATION.
General Department,
Bombay Castle, December 1946.

Bombay Nurse, Midwives and Health Visitors' Registration Act, 1935.

No. 3977/33.- The following draft of a notification which it is proposed to issue in exercise of the powers conferred by section 22 of the Bombay Nurse, Midwives and Health Visitors' Registration Act, 1935 (Bom. VII of 1935), is published as required by sub-section (1) of the said section 22, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on or after.....

2. Any objection or suggestion which may be received by the Secretary to the Government of Bombay, General Department, from any person with respect to the said draft before the date aforesaid will be considered by Government.

DRAFT NOTIFICATION.

In exercise of the powers conferred by section 22 of the Bombay Nurses, Midwives and Health Visitors' Registration Act, 1935 (Bom. VII of 1935), the Government of Bombay is pleased to amend the Bombay Nurses, Midwives and Health Visitors' Registration Rules, 1935, as follows, namely:- In the said rules-

(1) in part III of Schedule III under the heading I - Elementary Anatomy and Physiology" after paragraph 13 the following shall be inserted, namely:- "Note - A probationer who has passed the examination in General Nursing Part-I (group A) shall, at her option, be exempted, from attending these lectures".

(2) in Schedule IV under the heading "(5) Examination for Health Visitors"

(a) to sub-rule (b) of rule1, the following

paragraph shall be added, namely.-

'A candidate who has passed the examination in General Nursing -Part I (Group A) shall at her option be exempted, from appearing in the subjects of Anatomy and Physiology'.

(b) to clause (i) of sub-rule (b) of rule 3, the follwing proviso shall be added, namely:-

"Provided that a candidate who has passed the examination in General Nursing-Part I, (Group A) shall, at her option, be exempted, from appearing in the subjects of Anatomy and Physiology".

By order of the Governor of Bombay,

Secretary to Government.

N.V.D.
13/7
4c.

Office of the F.I.A.

A revised draft notification is sent herewith.

2. It is presumed that the exemption to the candidates from attending the lectures and appearing at the examination, in Anatomy and Physiology will be granted at their option, as some of them may like to secure Honours in the examination. The revised draft provides accordingly. G.D. should verify that it carries out its intentions.

Sd/-

Remembrancer of Legal Affairs.

N.P. to G.D., No. 69, dated the 3rd Jan. 1947.

N.V.D.
13/7
4c.

11/8

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